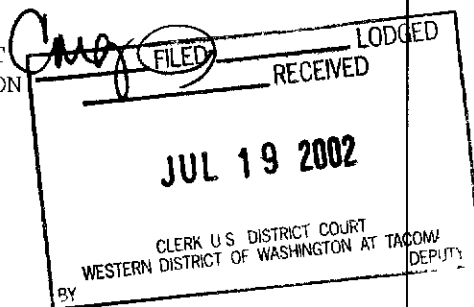


UNITED STATES DISTRICT COURT  
DISTRICT OF WASHINGTON  
AT TACOMA



CV 98-05262 #00000091

KATHLEEN M. HOUSE, ) Case No.: No. CV97-5708FDB  
Plaintiff, ) PLAINTIFF'S PETITION TO FILE LATE  
vs. ) RESPONSE TO SUMMARY JUDGEMENT  
WASHINGTON STATE DEPARTMENT OF FISH )  
AND WILDLIFE AND THE STATE OF )  
WASHINGTON, )  
Defendant )

I respectfully petition the court for permission to file the attached response to defendants' summary judgment motion. I realize that the extra week granted in this case to defendants' lawyers for their response to my motion for injunctive relief was requested in advance. I believed in this instance that I would be able to file my response to defendant's summary judgment motion on time. My failure to do so was for the following reasons:

I did not have the money to pay for Penny Cusick's deposition and for the copies necessary to file this response until July 10<sup>th</sup>, 2002. The \$340 necessary was the very last of my money, funds that otherwise could have been used to repair my car. My housemate very kindly lent me a vehicle to drive to Tacoma, but could not let me have it until after 3:30 p.m. Picking up the filing copies, construction on Pacific Avenue, the unexpected closing of the exit onto that road and the closing of nearby parking caused me to arrive at

91

1 the courthouse at five p.m.

2 The defendants refused to produce email requested during discovery  
3 in the prior case, C97-5708, with the exception of a few items containing  
4 false statements. This court refused all requests I made to compel email in  
5 that case. In the instant case, defendants again refused to produce email.  
6 Withheld email included mail I had sent and received, as well as email  
7 between the defendants that would have shown intent and further perjury.  
8 Randy Kreuziger had made my archived email unavailable while I was employed  
9 at Fish and Wildlife. I could not have copied or printed for use in court  
10 any email sent between privately defendants; that would have been illegal.  
11 The attorney appointed by the court ignored my many requests to compel email  
12 from the defendants; I could do nothing in my own behalf for the three  
13 years that elapsed between my filing a motion for appointment of counsel and  
14 the court's decision to withdraw appointment of counsel. I still do  
15 not have copies much of the email I sent and received at Fish and Wildlife.  
16 I have only recently been able to retrieve the email I backed up on tape  
17 while at the department: it had been backed up on Windows 95, and I did not  
18 have access to a Windows 95 machine to restore it. My housemate has a  
19 Windows 95 successor operating system, but it had crashed some time prior to  
20 my moving in. I fixed the necessary software and was able to install and  
21 run the restore program. I was able to begin to review my email only last  
22 week.

23 It has also taken longer than I anticipated to write and assemble the  
24 motion. My pro se status has taken a very high emotional toll. I did  
25 not choose to represent myself, unless the Hobson's choice of representing  
myself or giving up my rights entirely could be so termed. Lawyers

1 review, organize and present the facts of a course of events to the court for  
2 their clients. In order to do this for myself, I have had to constantly  
3 experience the anguish of reliving in detail four of the most painful years  
4 of my life. Lawyers review and respond to the common defense tactic of  
5 personal attacks on their clients and by their very presence, somewhat  
6 mitigate the force of those attacks. I have had to face alone learning that  
7 people with whom I shared a professional working relationship would publicly  
8 support the false and very negative picture that management's lawyers have  
9 painted of me. It has been especially painful when women who are my peers,  
10 as well as a person with a reputation for integrity, Chris Ringo, have done  
11 this. A plaintiff's lawyer's impersonal view might be, as Ann Potter put it,  
12 "why should they risk their jobs for someone they don't know". To have to  
13 face this myself, alone, is devastating

14 I also have to deal with seeing the baseless obstruction and  
15 discourtesy I endured from the very beginning from several of Mary Ellen  
16 Bradley's subordinates publicly excused as "personality clashes" and made  
17 somehow my fault. Members of a conservative female-dominated group may have  
18 any reason or none for disliking a woman who is an exception in a male-  
19 dominated group, especially when those two groups have a history of conflict.  
20 Coworkers told me on two separate occasions that they thought the behavior  
21 was based on defensiveness when the employee did not have sufficient  
22 knowledge to perform tasks and answer questions that were part of their jobs.  
23 A supervisor under Mary Ellen Bradley, Sheryl Hall, told me that Ron Druett  
24 and Kathy Larsen considered me extremely intelligent, but then said that  
25 people found this intelligence threatening. Those of Mary Ellen Bradley's

1 subordinates who were consistently obstructive and discourteous to me were  
2 never asked to justify, explain or change their behavior. Instead, Tom Owens  
3 and Jim Rieck encouraged and exploited their hostility and Chris Ringo  
4 supported it. The ubiquity and social acceptance of the term "bitch" shows  
5 that women are commonly held to be at fault if people do not like them for  
6 any reason. Like any hate speech, the term should expose the bigotry of the  
7 speaker by its very use, and its wide-spread and public acceptance should  
8 show how pervasive prejudice against women has become. Instead, that very  
9 acceptance has been used by some federal appeals court judges to discount the  
10 word's harmful effect and bigoted content. I have had to see this very same  
11 prejudice publicly used by Mary Ellen Bradley's subordinates to justify their  
12 baseless obstructiveness and hostility.

13 It has also become increasingly difficult to force myself to continue  
14 in the face of insurmountable obstacles to putting the facts of my case  
15 before the court. The pain and humiliation of poverty and unemployment has  
16 been immeasurably increased by the fact that these prevent me from bringing  
17 what evidence I have been able to obtain into court. In addition to the  
18 hearing tapes and all but two of the depositions I took, I cannot bring Ann  
19 Potter's deposition into court. the original and copy of that were not  
20 returned by the firm of Miller/Nash. I have no money left at all to pay for  
21 another copy.

22 The greatest deterrent of all has been this and the appeals court's  
23 setting aside clear rules of law that would have ensured equity between  
24 litigants. I filed the discrimination suit and this one because I believed  
25 that I could rely on the impersonal protection of the written rule of law to  
counter the overwhelming power of the State of Washington. I am compelled by

1 force to obey the laws that govern me. Where evidence of perjury by the  
2 State of Washington has been simply ignored, where the most common rules of  
3 discovery have not been enforced, where lawyers may disobey directives and  
4 rules of the court without penalty, where the most tenuous of arguments may  
5 defeat the established body of Ninth Circuit Rule 56 law, where an order may  
6 be based on a case falsely attributed to the Ninth Circuit, where the State  
7 may force a plaintiff into poverty and silence, and where that silence  
8 justifies federal court decisions, the laws that should have protected me  
9 become no more than pretty words on paper. The futility of any action under  
10 these circumstances has been the hardest obstacle to overcome.  
11  
12  
13

14 Dated this 18<sup>th</sup> day of July, 2002

15   
16 KATHLEEN HOUSE, PRO SE  
17

18 Statement of Service

19 I certify that I have served a copy of the attached  
20 Petition to File Late Response to Summary Judgment  
21 on defendant's attorney by leaving same at defendant's  
22 office at 905 Plum Street, SE, Building 3, Olympia,  
23 Washington or by mailing same via first-class mail to  
24 905 Plum Street, SE, Building 3, P.O. Box 40145,  
25 Olympia, Washington 98504-0145 on July 19, 2002

\_\_\_\_\_  
Kathleen M. House

These exhibits show that technical acquisition forms were not required in order to provide equipment. Chris Ringo's response to my request for a sound card was typical of what his repsonses became; the quickness of his response to my request for disk space was not. Randy Kreuziger and almost all the males employees in the Wildlife Management division had had sound cards for some years; they used them to send joke audio files to each other.

Date: Fri, 3 Jan 1997 14 34 59 -0800 (PST)  
 From: Chris Ringo <ringocdr@dfw.wa.gov>  
 To: Kathleen House <housekmh@dfw.wa.gov>  
 Subject: Re Soundcard?

On Fri, 3 Jan 1997, Kathleen House wrote:

> Hi,  
 >  
 > Would it be possible for me to order a soundcard? If so, would you mind  
 > letting know how it is done?  
 >  
 > Thank you.  
 >  
 > Kathleen House  
 > housekmh@dfw.wa.gov

Like any piece of computer equipment, you would have to justify your  
 need for one. IMO, a sound card would be pretty hard to justify...

```
*****
* Chris D. Ringo          ( _==_ )      ringocdr@dfw.wa.gov *
* Technical Services Manager      (oo)      * (360) 902-2490 *
* Wildlife Management Program    \ /-----/ *
* WA State Dept. of Fish & Wildlife    ||      || *
* 600 Capitol Way North          ||----|| *
* Olympia, WA 98501              ||      || *
*****
```

Date: Wed, 12 Mar 1997 11 17:30 -0800 (PST)  
From: Kathleen House <housekmh@dfw.wa.gov>  
To: Chris Ringo <ringocdr@dfw.wa.gov>  
Subject: Request for larger hard drive

Hi,

I'm getting errors testing the run-time Harliquin Duck application due to insufficient space for creating intermediate query tables. I've noticed for some time that my current hard drive has had very little space. Because of this, I've been deleting unnecessary files, and cannot use this method to fix the current problem.

I also would like to be able to load the Powerbuilder help system, and have never been able to, due to lack of disk space.

Please let me know whether this is possible, if it is, I will fill out a Technical Acquisition Request.

Kathleen  
housekmh@dfw.wa.gov



Date: Wed, 12 Mar 1997 13:15:22 -0800 (PST)  
 From: Chris Ringo <ringocdr@dfw.wa.gov>  
 To: Kathleen House <housekmh@dfw.wa.gov>  
 Subject: Re: Request for larger hard drive

FYI - I went ahead and ordered you a 2.5 GB hard drive, and a CDROM,  
 soundcard & speakers

```
*****
* Chris D. Ringo                (==)      ringocdr@dfw.wa.gov *
* Technical Services Manager    (oo)      * (360) 902-2490 *
* Wildlife Management Program   \-----/ *
* WA State Dept. of Fish & Wildlife  ||  || *
* 600 Capitol Way North        ||----|| *
* Olympia, WA 98501            ||  || *
*****
```

These exhibits show how my email was made unavailable, how Randy Kreuziger refused to and Ron Druett could not help.

**From:** Kathleen House  
**To:** ringocdr  
**Date:** 1/22/97 2:17pm  
**Subject:** More Sybase info

Hi,

Rob Pearce just told Marvin and myself that IS will only be supporting client applications on machines with Windows 95 or Lan Workplace 4.2. The reason is the stability of the TCP connection, I believe. He did say we could try using Chameleon or something like Chameleon, but that IS would not be able to support other types of connections.

I hope I have the correct terms in the right place here - I'm sending this mostly as a "heads-up" that this is one more compatibility issue rearing its ugly head, and thought you should know about it.

Kathleen  
housekmh@dfw.wa.gov

**From:** Kathleen House  
**To:** ringocdr  
**Date:** 1/22/97 2:17pm  
**Subject:** More Sybase info

Hi,

Rob Pearce just told Marvin and myself that IS will only be supporting client applications on machines with Windows 95 or Lan Workplace 4.2. The reason is the stability of the TCP connection, I believe. He did say we could try using Chameleon or something like Chameleon, but that IS would not be able to support other types of connections.

I hope I have the correct terms in the right place here - I'm sending this mostly as a "heads-up" that this is one more compatibility issue rearing its ugly head, and thought you should know about it.

Kathleen  
housekmh@dfw.wa.gov

**From:** Kathleen House  
**To:** ringocdr  
**Date:** 1/22/97 2 17pm  
**Subject:** More Sybase info

Hi,

Rob Pearce just told Marvin and myself that IS will only be supporting client applications on machines with Windows 95 or Lan Workplace 4.2. The reason is the stability of the TCP connection, I believe. He did say we could try using Chameleon or something like Chameleon, but that IS would not be able to support other types of connections.

I hope I have the correct terms in the right place here - I'm sending this mostly as a "heads-up" that this is one more compatibility issue rearing its ugly head, and thought you should know about it.

Kathleen  
housekmh@dfw.wa.gov

**From:** Kathleen House  
**To:** ringocdr  
**Date:** 1/22/97 2:17pm  
**Subject:** More Sybase info

Hi,

Rob Pearce just told Marvin and myself that IS will only be supporting client applications on machines with Windows 95 or Lan Workplace 4.2. The reason is the stability of the TCP connection, I believe. He did say we could try using Chameleon or something like Chameleon, but that IS would not be able to support other types of connections.

I hope I have the correct terms in the right place here - I'm sending this mostly as a "heads-up" that this is one more compatibility issue rearing its ugly head, and thought you should know about it.

Kathleen  
housekmh@dfw.wa.gov

**From:** Kathleen House  
**To:** INFO2\_PO GORDDCG  
**Date:** 6/26/97 10 49am  
**Subject:** Permit System Report Print Job on IBM

Hi,

Jim Rieck told me that he thought the user ID under which JMR04477 was run had been changed to a batch ID. I remember recommending this last year, after researching password expiration and security problems, but remember as well that you did not think it needed changing.

Jim Rieck asked me today to help him diagnose problems in running the job. Since the script ran without problems last year, I am trying to determine what changes in the environment, either in IBM or Unix, may have caused this. The first problem I need to eliminate is that the password has expired. Would you let me know if you have changed the USER ID to a batch ID, so that I can eliminate this from the list of possible causes?

Thank you

Kathleen  
houseknh@dfw.wa.gov

**From:** Kathleen House  
**To:** rieckjmr  
**Date:** 6/26/97 11 14am  
**Subject:** Unix script problems

Hi,

This note concerns the problem you requested my help with this morning. That problem was that when you typed in the name of the script, you got back a message saying only "ksh cannot execute". I've tried to get in touch with Dave Gord to make sure the password expiration isn't a problem, he was not at his desk, so I've sent E-Mail. So far, I have not heard back from him.

In looking at the script again, I notice that it has been modified since I last worked with it. Chris Ringo's userid is listed as the owner, I presume he made any changes to it since I last did. Unfortunately, Chris is not in the office today and will not return till Monday. In his absence, I have tried methods that worked for me when I got that message running a script.

Please try typing this in in Unix, where you would normally type just "ibmprint".

ibmprint

That in front says "run this command from this shell". It works when something in the script is telling Unix that it is not a script. Please try this, and let me know if it doesn't work.

Kathleen  
housekmh@dfw.wa.gov



**From:** Kathleen House  
**To:** rieckjmr  
**Date:** 6/26/97 1 37pm  
**Subject:** Running ibmprint2

Hi, Jim,

Just a follow-up - I've changed ibmprint2 to run icejcl2, so that I could make non-permanent changes to the JCL. I've also changed the settings for the ftp part of ibmprint2 so that all ftp messages print out. This allows you to see the progress of the job, it's a lot of output, but will let you know if the file transferred and the job submitted. The last page of output gives you the HASP (or job) number - this is the unique number that identifies the job to the IBM system. If you need to call production services at DIS to track the progress of the job, it helps to have this number. It shows up in the last screen on this line

==> it is known to JES as JOBXXXXX

Unfortunately, I cannot resolve the current problem. I submitted a test job requesting one copy, with a msgclass of T to hold the job in the output queue on IBM, but was unable to read it with either your ID or mine. Apparently, the permissions for the output for this job have not been set so that either REIJ477 or WM01477 can read it. I did call DIS production services at 902-3200, according to staff there, the job was cancelled before execution because the password for the USER ID is invalid. This is something that someone with the authority to do so in I S will have to change. It would also help if the permissions for the batch ID were changed so that our IBM user id's could look at the output, as well. I offered last year to learn how to do this. As I S wished to retain sole authority on granting this kind of access, there is nothing I can do to correct this situation.

I tried to get in touch with Dave Gord earlier, but was unable to reach him. Sharon Frerichs has been very knowledgeable and helpful in the past in dealing with IBM issues. If you cannot get in touch with Dave Gord, I believe Sharon would be the next logical person to call.

Please let me know if I can be of any further assistance on the Unix side of things.

Kathleen  
houseknh@dfw.wa.gov

CC: ringocdr

**From:** Kathleen House  
**To** INFO2\_PO FRERISLF, RIECKJMR  
**Date:** 6/26/97 4 16pm  
**Subject:** Ibmprint job submission

Hi, Sharon and Jim,

I thought this might be of interest to both of you - I called Bob Hartsell to check about the expiration of the \$POC477 password. According to Bob, batch passwords really do not expire (much to my relief, since I recommened using a batch ID to solve the expiring password problem last year). Turns out the ID was revoked, apparently for too many tries with the wrong password. There is a command that will allow the ID to be re-activated using the old password - that is RESUME. This would be simpler than the current method of un-revoking the ID, assigning a system password, having the user change that, and then hoping the new change went through.

RESUME also works for user id's, too. So if you have a favorite password, and don't want to give it up just because on some days you type better than on others, RESUME would allow to have your useid and old password, too.

Thought I'd pass that along -

Kathleen  
housekmh@dfw.wa.gov

**CC:** RINGOCDR